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24 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

25 CHASOM BROWN, WILLIAM BYATT,
26 JEREMY DAVIS, CHRISTOPHER
27 CASTILLO, and MONIQUE TRUJILLO
28 individually and on behalf of all similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

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Steven M. Shepard (admitted *pro hac vice*)
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Case No.: 5:20-cv-03664-LHK

**PLAINTIFFS' MOTION FOR LEAVE TO
SUBMIT ADDITIONAL BRIEFING
CONCERNING DISPUTES P1 AND P2**

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**PLAINTIFFS' MOTION FOR LEAVE TO SUBMIT
ADDITIONAL BRIEFING CONCERNING DISPUTES P1 AND P2**

2 Pursuant to the Court's July 30 order (Dkt. 227), and as noted in the joint submission (Dkt.
3 288), Plaintiffs respectfully request leave to submit additional briefing in advance of the August
4 12 hearing concerning the disputed Google custodians and searches (Disputes P1 and P2).

5 Given the approaching fact discovery deadline (November 2), Plaintiffs believe additional
6 briefing is necessary to timely resolve these custodian and search term disputes. Google objected
7 to providing the Court with additional information about these disputes in the joint submission,
8 and Plaintiffs wish to give the Court, in advance of the August 12 hearing, the information needed
9 to address and resolve this dispute. That way, the parties can avoid a situation where additional
10 briefing is needed after the hearing and avoid further delay.

11 In the joint submission, Plaintiffs request that the Court set a September 10 deadline for
12 Google to substantially complete its additional custodial productions, so that Plaintiffs have time
13 to review those documents, prepare for depositions in late September and October, and issue any
14 additional discovery requests based on information learned during those depositions, including
15 additional deposition notices. Given Google's ongoing obstruction, including refusing to provide
16 a single line of non-public source code (which Plaintiffs requested in October 2020) and
17 identifying the data collected by Google while people privately browse the web, Plaintiffs are left
18 with few discovery avenues, and Plaintiffs must proceed with reasonably targeted depositions. To
19 ensure Google can meet its obligation to timely produce documents in advance of those
20 depositions, Plaintiffs seek an order from the Court regarding Disputes P1 and P2 at or shortly
21 after the August 12 hearing.

22 Plaintiffs' submission would include one paragraph for each disputed custodian, explaining
23 why that person should be a custodian, and an explanation for the additional searches proposed by
24 Plaintiffs. Plaintiffs already provided this information to Google, and Plaintiffs now seek to
25 provide this information to the Court. Plaintiffs propose the following schedule: by August 5,
26 Plaintiffs will file a motion seeking additional Google custodians and searches; by August 9,
27

1 Google shall file any response; by August 10, Plaintiffs may file any reply.

2 If the Court wishes, Plaintiffs can alternatively coordinate with Google on a joint filing in
3 advance of the August 12 hearing. Given the large number of disputed custodians, Plaintiffs also
4 respectfully request leave to submit more than 2.5 pages, with Plaintiffs committed to keeping the
5 submission as short and succinct as possible.

6

7 Respectfully submitted,

8 Dated: August 3, 2021

BOIES SCHILLER FLEXNER LLP

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10 By: /s/ Mark C. Mao

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